REMARKS

Claims 1 and 7-17 are pending in the application. Claim 1 has been amended.

In the Office Action, claims 1 and 7-17 were rejected under 35 U.S.C. §102(b) as being anticipated by the admitted prior art (APA) of Figs. 4 and 5 of the application. This rejection is respectfully traversed. Applicants respectfully request reconsideration and allowance of the claims in view of the following arguments.

Regarding the anticipation rejection of independent claim 1 based on the APA, this claim has been amended for clarity to recite that the CPU estimates the body composition of the person under test based upon personal body information, their weight measured prior to entering the personal body information, and data from the impedance measurement device. This amendment is supported, for example, at page 8, line 24 to page 9, line 16 of the present application. Claim 1 has been further amended for clarity to recite that a weight sensor of the weight meter is connected to the CPU. This amendment is supported, for example, at page 8, lines 10-11 of the application.

The APA (see Fig. 5 of the application) does not disclose or suggest amended claim 1's CPU that estimates body composition based upon the entered personal body information and based on the weight measured prior to entering the personal body information. In the conventional apparatus of Fig. 5, a new measurement of the weight must occur at s 15 after entering data at s 12 and before bioelectrical impedance is measured at s 16.

In the flow chart of Fig. 5, it might appear, as contended in the Office Action, that looping back from s 18 to s 12 results in entering of personal body information after measuring weight. However, the apparatus of Fig. 5 does not estimate body composition based on the weight measured prior to entering the personal body information, as claimed. In s 18 of Fig. 5,

the results of measurement are displayed, and then a new measurement cycle, different from the previous measurement cycle, is started. In fact, such conventional devices normally include a step wherein a switch is operated to initiate a new measurement cycle; i.e., after s 18. Alternatively, prior art devices commonly include a step wherein power is automatically shut off if no operation is performed for a predetermined time after measurement results are displayed (e.g., at s 18), and a step wherein a switch must be operated (e.g., at s 11) to initiate the next measurement cycle after the device is powered down.

In any event, it is clear from Fig. 5 that the result of measurement of the weight obtained in s 15 of the previous measurement cycle is not used in s 12 of the new measurement cycle. This is shown by s 13, wherein confirmation is made as to whether setting of all the personal body information is completed or not. In the APA, measurement of weight is not started until setting of the personal body information is completed. In contrast, in the present invention as recited in amended claim 1, the estimate of body composition is based on the weight measured *prior* to entering the personal body information.

Thus, the APA does not anticipate independent claim 1, because it does not disclose each and every element of that claim. In particular, the APA does not disclose or suggest amended claim 1's CPU that estimates body composition based upon the entered personal body information and based on the weight measured prior to entering the personal body information. Furthermore, it would not have been obvious to modify the APA to yield the invention of claim 1.

Consequently, independent claim 1 is patentable.

Regarding the anticipation rejection of independent claim 7 based on the APA, it is contended in the Office Action that the APA discloses that the weight meter determines a no-

load output thereof immediately after power up of said apparatus. However, this is not an accurate characterization of the APA. In the APA, the determination of no-load output by the weight meter is made after entry of personal body information, not immediately after power up, as described in page 2, line 24 to page 3, line 2 of the application. In contrast, in the invention of claim 7, the apparatus determines a no-load input immediately after power-up, then measurement of weight is made, and thereafter entry of personal body information is made, as described in page 8, line 29 to page 9, line 2 of the application. By equating the APA's weight meter with the recited weight meter that determines a no-load output immediately after power up of the apparatus, the Examiner is improperly ignoring the word "immediately" in claim 7. It is well-established that all words of a claim must be considered during examination.

The APA does not anticipate independent claim 7, because it does not disclose each and every element of that claim. In particular, the APA does not disclose or suggest claim 7's weight meter that determines a no-load output immediately after power up of the apparatus. Furthermore, it would not have been obvious to modify the APA to yield the invention of claim 7.

Consequently, independent claim 7 is patentable.

Dependent claims 8-17 are also patentable, by virtue of their dependency from claims 1 and 7.

Further regarding dependent claims 9, 12, 14 and 16, the Examiner contends that the APA discloses, in Figs. 4(a) and 4(b) of the application, that personal body information is entered while the person under test stands on the weight meter, as recited in these claims. However, the figures do not show such an operation. As described at page 2, lines 12 to 19 of the application, in the apparatus of Fig. 4(a), the person stands in front of the measuring

apparatus, and in the apparatus of Fig. 4(b), the person stands at the side of the measuring apparatus. In either case, the person does not stand on the weight meter for the purpose of entering the personal body information, as claimed.

Consequently, claims 9, 12, 14 and 16 are further and separately patentable.

Reconsideration and withdrawal of the rejection of claims 1 and 7-17 under 35 U.S.C. §102 are respectfully requested.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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CLEAN COPY OF AMENDED CLAIM

Claim 1 now reads as follows:

1. A body composition measuring apparatus with a built-in weight meter based on bioelectrical impedance measurement, comprising:

a weight meter for measuring a weight of a person under test;

a data input device;

an impedance measurement device; and

a CPU, wherein

personal body information is entered using said data input device after measuring the weight;

a weight sensor of said weight meter is connected to said CPU; and

said CPU estimates the body composition of the person under test based upon the personal body information, the weight measured prior to entering the personal body information, and data from said impedance measurement device.